

REMARKS/ARGUMENTS

Status of the Claims

After entry of this Amendment, claims 1-18 and 36-75 are pending in the present application, with claims 60-75 being newly presented for examination and claims 1-18 and 36-59 being withdrawn from further consideration pursuant to a Restriction Requirement. Claims 19-35 are canceled without prejudice to future prosecution. Support for newly added claims 60-75 can be found in the specification (e.g., pages 7-11 and 12-30) and the claims (e.g., claims 1-35) as originally filed. As such, no new matter is introduced with newly added claims 60-75.

Reconsideration is respectfully requested.

Rejection Under 35 U.S.C. § 103

In the Office Action, there is only a single rejection. Claims 19-35 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Encyclopedia of Pharmaceutical Technology, vol. 6, pages 3597-3610 (2007). A copy of this reference was faxed to Applicants on July 29, 2010. To the extent this rejection is applicable to newly added claims 60-75, Applicants respectfully traverse this rejection.

Applicants respectfully submit that the Encyclopedia of Pharmaceutical Technology reference cited by the Examiner is ***not*** prior art against the present application. As the Examiner is aware, the present application is a §371 application of PCT/US03/40876, which was filed December 22, 2003 and which claims the benefit of U.S. Provisional Application No. 60/435,466, which was filed December 20, 2002. The Encyclopedia of Pharmaceutical Technology reference was published in **2007**. Clearly, since this reference was published ***four years after*** the filing date of the PCT application and ***five years after*** the filing date of the provisional application, this reference ***is not*** art and ***cannot be cited*** as art against the present application. As such, the present rejection under 35 U.S.C. § 103(a) over the Encyclopedia of Pharmaceutical Technology reference is improper and should be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Further, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

/Eugenia Garrett-Wackowski, Reg. No. 37,330/
Eugenia Garrett-Wackowski
Reg. No. 37,330

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 925-472-5000
Fax: 415-576-0300
EGW:lls
62778997 v1